

## REMARKS

Reconsideration of this Application is respectfully requested.

With the foregoing amendment, claims 1-16 are pending in the application, with claims 1, 5, 6 and 7 being in independent form. Claims 1, 5, 6, and 7 have been amended. No new matter has been added to the application.

Based on the following remarks, Applicants respectfully requests that the Examiner reconsider all outstanding objections and rejections, and that they be withdrawn.

### *Rejections Under 35 U.S.C. § 103*

The Office has rejected claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over *Hotaling* (US 5,124,912), in view of *Buhrmann* (US 5,903,845) and further in view of the computer reseller news article entitled, "IBM-Lotus: Calendaring is on the Agenda" (herein after "*IBM-Lotus*"). In the alternative, the Office has rejected claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over *Hotaling* (US 5,124,912), in view of *Buhrmann* (US 5,903,845) and further in view of *Roseman* (EP 574,138).

Applicants respectfully traverse these rejections and submit that the rejected claims are allowable over the art of record.

With respect to amended claim 1, Applicants submit that none of the above cited references, considered alone or in combination, teach or suggest all of the elements of amended claim 1. For example, at the least, considered alone or in combination, the references do not teach or suggest a scheduling system comprising:

"means for ... automatically updating the invitee's invitee profile based on the invitee's response to the invitation."

Amended claim 1 (emphasis added). This feature of claim 1 is a critical feature and it is not taught or suggested by *Hotaling*, *Buhrmann*, *IBM-Lotus*, or *Roseman*. Reliance on these references is therefore not proper.

### The *Hotaling* Reference

*Hotaling* discloses a meeting management device of a computer system that determines a meeting date and time for a specified group of invitees within a set of specified

time parameters. A subset of the invitees are designated as critical along with any specified pieces of equipment and desired meeting sties. Remote from personal calendars of the invitees, the device compares available dates and times of each critical invitee with each other and that of any critical pieces of equipment and meeting sites. The comparison determines common available dates and times in which to schedule the meeting. *See Hotaling*, abstract.

As the Office correctly stated in paper number 7 (i.e., the Office Action mailed on July 19, 2000), *Hotaling* does not disclose “automatically updating the invitee’s invitee profile based on the invitee’s response to the invitation,” as is recited in claim 1.

#### The Buhrmann Reference

*Buhrmann*, like *Hotaling*, does not teach or suggest the above mentioned feature of claim 1. *Buhrmann* teaches a personal information manager (PIM) for updating a subscriber profile. In on embodiment, the PIM may be configured “to automatically generate profile update data based on the schedule data entered by the subscriber.” *Buhrmann*, Column 8, lines 54-60 (emphasis added). After generating the profile update data, the PIM transmits the update data to a database which stores subscriber profile data. *See Buhrmann*, abstract.

Thus, *Buhrmann* teaches automatically updating a subscriber’s profile based on schedule data entered by the subscriber. In contrast, the invention according to claim 1 includes the feature of automatically updating an invitee’s profile based on the invitee’s response to an invitation.

This distinction between *Buhrmann* and the present invention is significant. *Buhrmann* requires that the subscriber enter schedule information before the subscriber’s profile can be automatically updated, whereas the present invention merely requires the invitee to accept or decline an invitation to a meeting before the invitee’s profile is automatically updated. For example, if the invitee accepts an invitation, then, according to claim 1, the invitee’s profile is automatically updated such that the invitee’s calendar reflects the fact that the invitee is busy during the time period in which the meeting is to be held.

In short, *Buhrmann* does not teach or suggest “automatically updating the invitee’s invitee profile based on the invitee’s response to the invitation,” as is recited in claim 1.

The IBM-Lotus Reference

With respect to the *IBM-Lotus* reference, it has not been alleged in any Office Action that this reference teaches or suggests the above discussed feature of claim 1.

The Roseman Reference

With respect to the *Roseman* reference, it has not been alleged in any Office Action that this reference teaches or suggests the above discussed feature of claim 1.

In short, none of the above references, considered alone or in combination, teach or suggest all of the features of claim 1. With respect to dependent claims 2-4, the above remarks for claim 1 apply, because claims 2-4 depend from claim 1. With respect to independent claims 5-7, the above remarks for claim 1 apply because, like claim 1, claims 5-7 include the feature of “automatically updating the invitee’s invitee profile based on the invitee’s response to the invitation.” With respect to dependent claims 8-16, the above remarks apply because these claims depend from one of claims 1, 5, 6 and 7.

Further, none of the references, either taken alone or in combination, provide any motivation to one of ordinary skill to modify the teachings of the references to arrive at the claimed invention. None of the references suggest the desirability of an interactive, automated scheduling system wherein a time interval is scheduled among a plurality of users by sending an electronic mail invitation to potential invitees, and automatically updating the invitee’s profiles based on their respective responses to the invitation.

***Response to the Advisory Action***

In an advisory action mailed October 25, 2000 (Paper No. 9), the Office relied solely on *In re Venner*, 120 U.S.P.Q 193, 194 (CCPA 1958), to support its assertion that the invention as claimed in claims 1-16 is obvious as a matter of law. This sole reliance on *In re Venner* is not appropriate. It is not appropriate to rely solely on case law as the rationale to support an obviousness rejection where the applicant has demonstrated the criticality of a specific limitation. See *Manual of Patent Examining Procedure*, 7<sup>th</sup> Edition, First Revision, §2144.01 (“If the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness

rejection.”). In this case, the Applicants admit that the feature of “automatically updating the invitee’s invitee profile based on the invitee’s response to the invitation” is a vital feature of the claimed invention. Consequently, it is inappropriate for the Office to rely solely on *In re Venner* to support its assertion that the claimed invention is obvious.

For all of the above reasons, Applicants respectfully request that the rejection of claims 1-16 be withdrawn.

### **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current Amendment. The attached page is captioned “**Version with Markings to Show Changes Made.**”

Favorable consideration of this application is respectfully requested.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO PC

A handwritten signature in black ink, appearing to read "B. Rosenbloom", with a long horizontal flourish extending to the right.

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**Version with markings to show changes made**

1. (Third Amendment) A system for scheduling time intervals for a plurality of invitees comprising:

database means in communication with one or more server means for storing one or more invitee profiles for one or more potential invitees of the system, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user;

request generating means, connected over a network to the one or more server means, for generating a request for allocation of a time interval for the one or more potential invitees;

busy time determination means for gathering the one or more invitee profiles for the one or more potential invitees that were requested by the request generating means and that are available in the database means and determining whether those one or more potential invitees are available during the time interval requested by the request generating means; and

means for scheduling a meeting by using the electronic mail address in the invitee profile to send each of the one or more potential invitees available an invitation to attend at the time interval requested thereby making each of the one or more potential invitees an invitee; and automatically updating the invitee's invitee profile based on the invitee's response to the invitation[; and

substitute delegating means for enabling the invitee to delegate a substitute to attend the meeting in response to the invitation].

5. (Third Amendment) A system for scheduling time intervals for a plurality of invitees comprising:

one or more databases, in communication with one or more servers, which store one or more invitee profiles for one or more potential invitees of the system, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and the electronic mail address for the user;

one or more user workstations, connected over a network to the servers, operating a calendaring system that permits a user to request allocation of a time interval for the one or more potential invitees;

wherein the calendaring system gathers the profiles for the one or more potential invitees that are available in the one or more databases and determines whether those one or more potential invitees are available during the time interval requested; and

wherein the calendaring system invites the one or more potential invitees by using the electronic mail address stored in the invitee profile for the one or more potential invitees to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee; and automatically updates the invitee's invitee profile based on the invitee's response to the invitation[; and

wherein the calendaring system enables the invitee to delegate a substitute in response to the invitation].

6. (Third Amendment) A process for scheduling time intervals for a plurality of invitees comprising:

storing one or more invitee profiles for one or more potential invitees of the system in a database in communication with one or more servers, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and an electronic mail address for the user;

receiving a request for allocation of a time interval for the one or more potential invitees from a remote workstation over a network at the one or more servers;

gathering the profiles for the one or more potential invitees that are available in the database;

determining whether those one or more potential invitees are available during the time interval requested;

inviting the one or more potential invitees to attend at the time interval requested by using the electronic mail address stored in the profile for those one or more potential invitees

to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee;

[enabling the invitee to delegate a substitute in response to the invitation;] and  
automatically updating the invitee's invitee profile based on the invitee's response to the invitation.

7. (Third Amendment) A processor usable medium having processor readable code embodied therein for enabling group calendaring between a plurality of users on a computer system, the system comprising a database, associated with one or more servers, which stores one or more invitee profiles for one or more potential invitees of the system, the invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user and the electronic mail address for the user, the processor readable code in the processor usable medium comprising:

processor readable code for causing a processor to receive a request for allocation of a time interval for one or more potential invitees;

process readable code for causing a processor to gather the profiles for the one or more potential invitees;

processor readable code for causing a processor to determine whether those one or more potential invitees are available during the requested time interval;

processor readable code for causing a processor to invite the one or more potential invitees to attend a meeting at the requested time interval by using the electronic mail address stored in the profile for each invitee to send an invitation to the one or more potential invitees thereby making each of the one or more potential invitees an invitee; and automatically updating the invitee's profile based on the invitee's response to the invitation[;

processor readable code for causing a processor to enable the invitee to delegate a substitute in response to the invitation].

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